

# Minnesota Pollution Control Agency

February 23, 1993

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AIR ENFORCEMENT BRANCH  
U.S. EPA. REGION V

CERTIFIED MAIL NO. P 434 657 771  
RETURN RECEIPT REQUESTED

Greg Jeffries, Manager of Environmental Services  
Burlington Northern Railroad, Inc.  
4105 North Lexington Avenue  
Arden Hills, Minnesota 55126

Dear Mr. Jeffries:

RE: Notice Of Violation

Enclosed is a Notice Of Violation (NOV) issued by the Minnesota Pollution Control Agency (MPCA) to Burlington Northern Railroad, Inc. (Company) for improper demolition notification of the Depot building located in Pipestone, Minnesota, at the intersection of Second Street Southeast and Southeast Fifth Avenue. You are requested to submit your response to the Corrective Actions section of the NOV, postmarked or received within 14 days of the date of this NOV.

MPCA, Air Quality Division (AQD), Enforcement staff conducted an inspection of the Company at the Facility on December 17, 1992. At that time, Spencer Arndt, Burlington Northern Railroad, was informed of the violations and told that a NOV would be recommended as an enforcement response to request corrective action.

If you have any questions, you may contact me at (612)297-8685.

Sincerely,

Jeff T. Connell  
Enforcement Unit  
Compliance and Enforcement Section  
Air Quality Division

JTC:jk4057

Enclosure

cc: Spencer Arndt, Burlington Northern Railroad, Inc.  
Shirley Mitchell, U.S. EPA  
Ann Seha, Attorney General's Office  
Cynthia Kahrman, AQD  
Maria Christu, Attorney General's office  
Asbestos File

**STATE OF MINNESOTA**  
**MINNESOTA POLLUTION CONTROL AGENCY**  
**AIR QUALITY DIVISION**

**IN THE MATTER OF:** Improper Asbestos Demolition Procedures  
Burlington Northern Railroad Depot  
Burlington Northern Railroad, Inc.  
Pipestone, Minnesota 56164

**TO:** Mr. Greg Jeffries, Manager of Environmental Services  
Burlington Northern Railroad, Inc.  
4105 N Lexington Ave.  
Arden Hills, Minnesota 55126

**AUTHORITY**

This Notice of Violation (NOV) is issued under the authority contained in Minn. Stat. § 116.07 (1992).

**VIOLATIONS**

**PLEASE BE ADVISED**, that the Minnesota Pollution Control Agency (MPCA) has sufficient information to indicate that Burlington Northern Railroad, Inc. (Company) has violated the following provisions of the Federal Regulation, 40 CFR 61.145. The rule states, in part:

**40 CFR 61.145 STANDARD FOR DEMOLITION AND RENOVATION.**

**(a) APPLICABILITY**

To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable asbestos containing material (ACM).

The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

- (1) In a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is:
  - (i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet ) on other facility components, or
  - (ii) At least 1 cubic meter (35 cubic feet) off facility components where the length could not be measured previously.
- (2) In a facility being demolished only the notification requirements of paragraphs (b)(1),(2),(3)(i) and (iv), and 4(i) through (vii) and (4)(ix) and (xvi) of this section apply, if the combined amount of RACM is:
  - (i) Less than 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet ) on other facility components, or
  - (ii) Less than 1 cubic meter (35 cubic feet) off facility components where the length could not be measured previously.
- (3) If the facility is being demolished under an order of state or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse only the requirements of paragraphs (b)(1), (b)(2), (b)(3)(iii), (b)(4) (except (b)(4)(viii), (b)(5), and (c)(4) through (c)(9) of this section apply.

(b) NOTIFICATION REQUIREMENTS

Each owner or operator of a demolition or renovation activity to which this section applies shall:

- (1) Provide the administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.
- (3) Postmark or deliver the notice as follows:
  - (i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a)(1) and (a)(4), (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.

- (iii) As early as possible before, but not later than, the following working day if the operation is a demolition ordered according to paragraph (a)(3) of this section or, if the operation is a renovation described in paragraph (a)(4)(iv) of this section.

#### DESCRIPTION OF VIOLATIONS

MPCA staff inspected the demolition project at the Depot building located at the intersection of Second Street Southeast and Fifth Avenue Southeast in Pipestone, Minnesota on December 17, 1992. MPCA staff documented that the Company was demolishing the Facility with a backhoe and that the MPCA had received no Notice for the demolition project.

#### CORRECTIVE ACTION

In order to address the violations cited in this NOV, the Company is requested to respond accordingly:

1. Provide a written statement certifying that all future projects will comply with 40 CFR 61.145;
2. Provide a written statement outlining the actions the Company will take to ensure that all employees have read, understood, and will comply with 40 CFR 61.145.

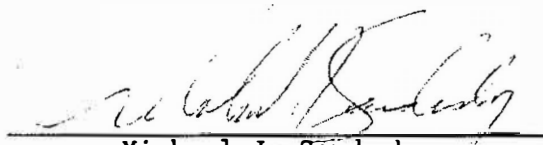
Unless otherwise indicated, the above requested material shall be submitted to the the Air Quality Division, Compliance Determination Unit Supervisor, postmarked or received within fourteen (14) days of the date of this NOV.

#### NOTICE

**THEREFORE**, you are hereby given notice that the above violations have been documented by the Minnesota Pollution Control Agency. This Notice Of Violation does not preclude the Minnesota Pollution Control Agency from taking further action with respect to the above violations. Continued violation of Minnesota Pollution Control Agency rules or Federal Regulations will result in initiation of further administrative or legal enforcement action.

**DATED:** FEBRUARY 23, 1993

**COMPLIANCE AND ENFORCEMENT SECTION  
AIR QUALITY DIVISION**

  
\_\_\_\_\_  
Michael J. Sandusky  
Section Manager

MJS:jk4058

cc: Shirley Mitchell, U.S.EPA  
Spencer Arndt, Burlington Northern Railroad  
Ann Seha, Attorney General's Office  
Maria Christu, Attorney General's Office  
Cynthia Kahrman, AQD  
Asbestos File

**CERTIFIED MAIL NO. P 434 657 771**  
**RETURN RECEIPT REQUESTED**

Address Submittals Requested Above To:

Supervisor  
Compliance Determination Unit  
Compliance and Enforcement Section  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155-3898

Address Further Correspondence to:

Jeff Connell  
Enforcement Unit  
Compliance and Enforcement Section  
Air Quality Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
(612) 297-8685